

ESTTA Tracking number: **ESTTA675410**Filing date: **06/01/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Axiom Global Inc.
Granted to Date of previous extension	05/31/2015
Address	295 Lafayette Street7 floor New York, NY 10012 UNITED STATES

Attorney information	Gallit Schuller Axiom Global Inc. 295 Lafayette Street New York, NY 10012 UNITED STATES gallit.schuller@axiomlaw.net Phone:212 724 3290
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Applicant Information

Application No	86203593	Publication date	12/02/2014
Opposition Filing Date	06/01/2015	Opposition Period Ends	05/31/2015
Applicant	Image API, LLC 2002 Old St. Augustine Rd., Bldg. D Tallahassee, FL 32301 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2013/10/09 First Use In Commerce: 2013/10/09


All goods and services in the class are opposed, namely: Computer software that provides web-based access to applications and services through a web operating system or portal interface for management of data, documents and document images, namely, software applications for uploading, transmitting, displaying, storing, auditing, editing and purging information in the form of data, documents and document images


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3417739	Application Date	08/10/2007
Registration Date	04/29/2008	Foreign Priority Date	NONE

Word Mark	AXIOM
Design Mark	
Description of Mark	NONE
Goods/Services	Class 045. First use: First Use: 2001/08/01 First Use In Commerce: 2001/09/15 Legal services

U.S. Registration No.	3285584	Application Date	06/29/2005
Registration Date	08/28/2007	Foreign Priority Date	NONE
Word Mark	AXIOM LEGAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2001/08/01 First Use In Commerce: 2001/09/15 Legal services		

U.S. Registration No.	3935081	Application Date	07/07/2009
Registration Date	03/22/2011	Foreign Priority Date	NONE
Word Mark	AXIOM LAW REDEFINED		

Design Mark	
Description of Mark	The mark consists of the word "Axiom" in orange, with an upside down "i" and the words "law redefined" in smaller gray font, underneath.
Goods/Services	Class 045. First use: First Use: 2008/03/04 First Use In Commerce: 2008/03/04 Legal services

U.S. Application No.	86150476	Application Date	12/22/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	IRIS BY AXIOM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 0 First Use In Commerce: 0 Cloud computing featuring software for issue analysis, project management, and decision making; Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for issue analysis, projects management and decision making.; Software as a service (SAAS) services featuring software for issue analysis, projects management and decision making		

Attachments	77252115#TMSN.png(bytes) 78660665#TMSN.png(bytes) 77775308#TMSN.png(bytes) 86150476#TMSN.png(bytes) AXIOM PRO Notice of Opposition June 1 2015.pdf(93199 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Signature	/gs/
Name	Gallit Schuller
Date	06/01/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Ser. No. 86203593
For the Mark: **AXIOM PRO**

Axiom Global Inc. d/b/a Axiom,)	
)	
Opposer)	NOTICE OF OPPOSITION
)	
v.)	Opposition No. _____
)	
Image API, LLC)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Opposer, Axiom Global Inc d/b/a Axiom (“Opposer”), a Delaware corporation whose principal place of business is located at 295 Lafayette Street 7th Floor, New York, NY 10024, hereby opposes the registration of the mark AXIOM PRO that is the subject of Application Serial No. 86/203593 (the “Application” or “Applicant’s Mark”) filed by Applicant Image API, LLC (the “Applicant”), a Florida Limited Liability Company, whose principal place of business is 2002 Old St. Augustine Road, Bldg. D, Tallahassee, FL 32301, and requests that registration to Applicant be refused in all classes of goods recited therein. The Application was published in the *Official Gazette* of December 2, 2014, and Opposer is timely filing this Notice of Opposition pursuant to Requests for an Extension of Time, last granted on April 1, 2015 (ESTTA Tracking No. 86203593).

As grounds in support of its opposition, Opposer asserts that:

1. Opposer believes it will be damaged by the registration of the Applicant’s Mark.

2. Since at least August 2001, Opposer has been continuously using in commerce its federally registered service marks AXIOM, AXIOM LEGAL, and AXIOM LAW REDEFINED and Design (collectively, its “AXIOM Marks”) in connection with legal services and since at least July 2013, Opposer has been continually using in commerce its unregistered service mark IRIS BY AXIOM in connection with its computer software services. Opposer’s first use of its AXIOM Marks is over twelve years prior to the date of the first use of Applicant’s Mark, and Opposer’s first use of its IRIS BY AXIOM mark predates the date of first use of Applicant’s Mark, which is allegedly October 2013. Therefore, Opposer’s first use of its Marks predates the identified date of first use of Applicant’s Mark, and therefore Opposer asserts prior and superior rights to the use of its AXIOM and IRIS BY AXIOM Marks.

3. Opposer is the owner of U.S.P.T.O. Registration No. 3,417,739 for the mark AXIOM for “legal services.” Opposer’s first use of its AXIOM mark was at least August 1, 2001 and its first use in commerce was at least September 15, 2001. The registration of the AXIOM Mark is valid, subsisting, unrevoked and uncanceled. (See Axiom Certificates of Registration attached hereto.). A Sections 8 & 5 Combined Affidavit was accepted and acknowledged on January 7, 2015.

4. Opposer is the owner of U.S. P.T.O. Registration No. 3,285,584 for the mark AXIOM LEGAL for “legal services.” Opposer’s first use of the AXIOM LEGAL mark was at least August 1, 2001 and its first use in commerce was at least September 15, 2001. The registration of AXIOM LEGAL is valid, subsisting, unrevoked and uncanceled. (See Axiom Certificates of Registration attached hereto.) A Sections 8 & 5 Combined Affidavit was accepted and acknowledged on December 31, 2013.

5. Opposer is the owner of U.S. P.T.O. Registration No. 3,935,081 for the

mark AXIOM LAW REDEFINED and Design for “legal services.” Opposer’s first use of the AXIOM LAW REDEFINED mark was at least March 4, 2008 and its first use in commerce was at least March 4, 2008. The registration of AXIOM LAW REDEFINED is valid, subsisting, unrevoked and uncanceled. (See Axiom Certificates of Registration attached hereto).

6. Opposer is the owner of U.S. P.T.O. Application Ser. No. 86150476 for the mark IRIS BY AXIOM for “ Cloud computing featuring software for issue analysis, project management, and decision making; Computer services, namely, acting as an application service provider in the field of knowledge management to host computer application software for issue analysis, projects management and decision making; Software as a service (SAAS) services featuring software for issue analysis, projects management and decision making (the "Services Provided under the Mark" or its “Services”), in class 42. (See TESS report attached hereto). Owner has been using its IRIS BY AXIOM mark since at least July 2013 , which predates the alleged first use of Applicant’s Mark. Owner’s unregistered common law service mark rights to IRIS BY AXIOM are valid and subsisting, and its Application for IRIS BY AXIOM is still pending at the USPTO.

6. Applicant has filed an Application based on actual use to register the mark AXIOM PRO for the following goods in Class 9: Computer software that provides web-based access to applications and services through a web operating system or portal interface for management of data, documents and document images, namely, software applications for uploading, transmitting, displaying, storing, auditing, editing and purging information in the form of data, documents and document images.

7. Applicant’s Application was filed on February 25, 2014, and was assigned Serial No. 86203893.

8. Applicant's Mark so resembles Opposer's previously used and registered marks AXIOM, AXIOM LEGAL and AXIOM LAW REDEFINED, and unregistered IRIS BY AXIOM mark, that it is likely, when applied to the Goods set forth in Applicant's Application, to cause confusion, mistake or deception within the meaning of Section 2(d) of the Trademark Act, thereby damaging Opposer.

9. Furthermore, the goods set forth in Applicant's Application are identical and/or closely overlapping with the services recited in Opposer's AXIOM and IRIS BY AXIOM Marks as also to be likely to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act, thereby damaging Opposer.

10. Furthermore, purchasers and prospective purchasers are likely to be confused, mistaken or deceived into believing that the goods described in Applicant's Mark emanate from and/or are in some way related to or affiliated with Opposer, thereby damaging Opposer.

11. Accordingly, because Opposer's rights in its Marks are superior to Applicant's rights to its Mark, Applicant's Application should be refused registration in its entirety.

WHEREFORE, Opposer prays that its opposition be sustained and that registration to Applicant be refused.

Dated: June 1, 2015

Respectfully submitted,

By: ___/gs/_____
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